

AMERICA'S COLLECTIBLES NETWORK,  
INC., d/b/a JEWELRY TELEVISION®

VS.

Defendant.

Magistrate Judge H. Bruce Guyton

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff America’s Collectibles Network, Inc., d/b/a Jewelry Television® (“JTV”) appeals to the United States Court of Appeals for the Sixth Circuit from (1) the portion of the judgment (Docket No. 868) entered by the district court on October 5, 2017 (the “Judgment”) that denied recovery on the jury’s separate \$13 million verdicts in favor of JTV on the claims of fraudulent inducement and breach of contract (*see* Docket No. 814) by deeming that those awards provided “duplicative recovery” of the negligent misrepresentation claim; (2) the portion of the Judgment that limited JTV to only 1.22% prejudgment interest; and (3) the portion of the post-judgment order (Docket No. 879) entered by the district court on January 9, 2018 that declined to increase the award of prejudgment interest and that denied JTV’s motion to alter or amend the judgment (Docket No. 870). For avoidance of doubt, JTV does not appeal the \$13,000,000 awarded by the jury for negligent misrepresentation that was entered in the Judgment in favor of JTV.

JTV also conditionally appeals to the United States Court of Appeals for the Sixth Circuit from (1) the district court's summary judgment decision entered on September 7, 2016 dismissing certain of JTV's claims (Docket No. 419), (2) the district court's various decisions resetting venue for the trial in Chattanooga rather than Knoxville (*see* Docket Nos. 415 (May 4, 2016), 660 (March 17, 2017), 661 (March 16, 2017), 683-1 (April 11, 2017), 684 (April 12, 2017)), and (3) all other interlocutory decisions rendered final by the Judgment. JTV's conditional appeal is conditioned on Defendant cross-appealing and requesting a new trial and/or a decision by the Sixth Circuit remanding any portion of this case for a new trial. If the Sixth Circuit does not remand for a new trial (or Defendant does not cross-appeal), then the conditional appeal raised in this paragraph will become moot.

Dated: February 6, 2018

/s/ David J. Shapiro

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**CERTIFICATE OF SERVICE**

I certify that Plaintiff America's Collectibles Network, Inc., d/b/a Jewelry Television's Notice of Appeal was electronically filed on February 6, 2018. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic docket system.

/s/ Holli Pryor-Baze

Holli Pryor-Baze